

Application No. 10/559,694
Reply to Office Action of July 7, 2009

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Docket No.: 64609(70301)

REMARKS

In the Office Action dated July 7, 2009, claims 1-9 and 11-17 are pending, claims 1-4, 8-12 and 17 are rejected and claims 5-7 and 13-16 are withdrawn.

Claim 12 is rejected under 35 U.S.C. §112, second paragraph. The above amendment is submitted to further clarify the subject matter of claim 12. The deleted subject matter is presented in new claim 19.

The above amendment also is submitted to further point out and distinctly claim the subject matter regarded as invention in the remaining currently amended claims. No new matter is added.

Claims 1-4, 8-12 and 17 are rejected under 35 U.S.C. §102(b) over Fryburg et al. (WO 02/060422 A2; "Fryburg"). The Examiner states that Fryburg "teaches a method comprising administering 0.01 mg/kg Vardenafil orally as a single dose to a human (p. 11, paragraphs 1 and 2)." The Examiner *admits* that Fryburg *does not teach* that this method treats portal hypertension and its associated bleeding complications. In addition, applicants respectfully submit that Fryburg also *fails* to provide even a hint of a suggestion that Vardenafil treats portal hypertension and its associated bleeding complications.

Fryburg discloses the use of Vardenafil for the treatment of type 2 diabetes mellitus. Thus, one of ordinary skill in the art would not have found it obvious to administer Vardenafil to a patient having any of the disease conditions specified as diagnosed in any of the present claims.

Applicants respectfully submit that the preamble of the current claims show that the claimed invention is directed to a patient population that is very different from that disclosed by Fryburg.

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Thus, it is not seen how the present invention is anticipated by Fryburg. Nor is it seen how the present invention would have been obvious to one of ordinary skill in the art in view of Fryburg.

If for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. 04-1105.

In view of the discussion above, Applicant respectfully submits that the pending application is in condition for allowance. An early reconsideration and notice of allowance are earnestly solicited.

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Respectfully submitted,

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